

**RULES  
OF THE  
TENNESSEE DEPARTMENT OF PERSONNEL**

**CHAPTER 1120-13  
AWARDS OF ATTORNEY'S FEES AND COST**

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**1120-13-.01 PURPOSE.** To provide a consistent manner in which fees and reasonable costs may be awarded to attorneys representing successfully appealing employees before the Commission.

**Authority:** T.C.A. 8-30-328. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

**1120-13-.02 POLICY.** The Civil Service Commission may, at its discretion, award fees and costs to a successfully appealing employee's attorney in accordance with the following terms and conditions.

- (1) The maximum hourly rate for attorneys representing successfully appealing employees before the Commission shall be as follows:
  - (a) Appeals of disciplinary suspension of less than ten (10) days and all other grievable matters.
    1. Thirty dollars (\$30) per hour for time spent in hearings before the Commission.
    2. Twenty dollars (\$20) per hour for reasonable time spent in preparation for such a hearing.
    3. In no case shall attorney's fees exceed one hundred dollars (\$100) per day, nor shall such fees exceed one thousand dollars (\$1,000) per appeal.
  - (b) Appeal of disciplinary dismissal, demotion, or suspension of ten (10) days or more.
    1. The prevailing hourly rate shall be based on the skill and effort involved in the case and the standard fees for practice in the same geographic area subject to a maximum rate of eighty five dollars (\$85) per hour.
    2. The prevailing hourly rate shall be established by affidavit provided by the prevailing attorney.
- (2) All awards of costs shall be limited to reasonable costs actually incurred. Awards of costs for travel shall be subject to the provisions of the comprehensive travel regulations in effect at the time the claim is made.
- (3) All claims for attorney's fees and costs shall be submitted in writing to the following address after the Commission has rendered its decision.

(Rule 1120-13-.02, continued)

Secretary, Civil Service Commission  
Tennessee Department of Personnel  
Second Floor, James K. Polk Building  
Nashville, TN 37243-0635

Such claims shall specify the hours of preparation, in hours and tenths of hours, the nature of services performed during such preparation, the hours of hearing time, and a complete itemized statement of costs claimed.

- (4) In no event shall a claim be paid which is not received by the Secretary of the Commission within sixty (60) days of the effective date of the order.
- (5) All such claims shall be reviewed by the Secretary of the Commission for compliance with these rules, the law, and the Commission's decision. The secretary is authorized to approve payment of such claims for any amount up to and including the amount claimed.

**Authority:** T.C.A. 8-30-328. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 25, 1994.